

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Jill Rivera, Deputy Clerk.

F046445 Smith et al. v. Gamel, Inc., et al.

Parties stipulate that (1) Dawson, J., the absent assigned justice, participate in the determination of this appeal, and (2) Dawson, J. to listen to the tape recording of oral proceedings upon his/her return.

Cause called and argued by William E. Manning, Esq., counsel for appellant and by William M. Krieg, Esq., counsel for respondent.

Submission deferred until Thursday, December 12, 2005 for Dawson, J. to listen to the tape recording of oral argument.

Court recessed until Monday, December 12, 2005 at 10:00 A.M.

F048264 In re F. J., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F048264 In re F. J., a Minor

The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048049 In re Jordan R., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F048049 **In re Jordan R., a Minor**
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047070 **People v. Mimms**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F047070 **People v. Mimms**
The judgment is reversed. Gomes, J.
We concur: Harris, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045932 **People v. Fritts**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F045932 **People v. Fritts**
The judgment is affirmed. Gomes, J.
We concur: Harris, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046973 **People v. Lane**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F046973 People v. Lane

The judgment is affirmed. Gomes, J.

We concur: Harris, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047395 People v. Montalvo

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F047395 People v. Montalvo

The judgment is affirmed, but sentence modifications ordered.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044886 L. L. Loveless et al. v. Melton et al.

F048550 Westside Development et al. v. M & O Enterprises, Inc. et al.

Appellant's motion to consolidate the above-entitled cases is granted.

F046347 People v. Stephens

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F046347 People v. Stephens

The judgment is affirmed. Gomes, J.

We concur: Harris, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045995 People v. Millette

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F046170 Gross v. City of Bakersfield et al.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F048259 In re Marcus G., a Minor

The above-entitled case is submitted for decision.

F048259 In re Marcus G., a Minor

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F049030 Richard R. v. The Superior Court of Kern County; Kern County
Department of Human Services**

The above-entitled case is submitted for decision.

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F047104 In re J. R., a Minor

The portion of the judgment (order) setting the period of confinement is vacated and the matter is remanded to the juvenile court to set a maximum period of confinement at CYA based on the facts and circumstances that brought appellant before the juvenile court. In all other respects, the judgment (order) is affirmed. Dibiaso, Acting P.J.

We concur: Ardaiz, J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048610 People v. Coito

No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F048506 People v. Shaughnessy

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed. Pursuant to rule 30.3, California Rules of Court, it is further ordered that the remittitur issue forthwith.